



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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8/10/01

Re patent application of

Atty. Docket No. 37637-0003

RECEIVED

Rainer HINTSCHE

Group Art Unit: 1655

AUG 30 2001

Serial No.: 09/142,660

Examiner: B. Sisson

TECH CENTER 1600/2900

Filed: December 23, 1998

For: DETECTION OF MOLECULES AND MOLECULE COMPLEXES

SUPPLEMENTAL REQUEST FOR RECONSIDERATION

Director, U.S. Patent and Trademark Office
Washington, DC 20231

Sir:

This communication is further to the Preliminary Amendment and Request for Reconsideration, filed August 1, 2001. In view of the accompanying remarks and EXHIBIT B, and the Official Communication filed August 1, 2001, Applicants respectfully request a withdrawal of each outstanding rejection and a speedy Notice of Allowance.

*** Applicants hereby request that the suspension of action under
37CFR 1.103(b) be lifted. ***

REMARKS

I. Official Communication Filed August 1, 2001

In their Preliminary Amendment and request for reconsideration submitted on the above date, Applicants respectfully requested a withdrawal of the enablement rejections, in view of a Rule 132 declaration executed by both named inventors ("the First Declaration") and the peer-reviewed references corroborating the facts attested to in the First Declaration. In that communication, Applicants also informed the

Examiner of a forthcoming Supplemental Response that would contain a second Rule 132 Declaration (the "Second Declaration"), which sets forth further evidence that the claims are enabled.

II. The Second Declaration

Applicants respectfully submit herewith, in EXHIBIT B, the Second Declaration, executed by inventor Rainer Hintsche. The Second Declaration presents further evidence to substantiate Applicants' position that the claims satisfy the enablement requirement under 35 U.S.C. § 112, first paragraph. In the Second Declaration, Examiner Hintsche attests to personally supervising workers in his group who—by using the techniques set forth in the Application, as well as teachings conventionally available to skilled worker at the time of filing—were able to detect nucleotide and polypeptide hybridizations in addition to those explicitly described in the Application's working examples.

These "post-filing" working examples are submitted in the manner prescribed by MPEP §2164.05. Applicants submit that evidence provided in the Second Declaration (as well as the First Declaration) outweighs the reasoning set forth in the Examiner's rejection, since the evidence clearly shows that the claims are enabled for species other than those explicitly disclosed in the working examples. Accordingly, Applicants respectfully urge the Examiner to withdraw the rejections.

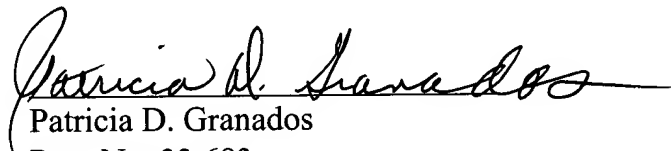
III. Conclusion

Applicants submit that the present claims are in condition for allowance, and respectfully request consideration to that effect. Should the Examiner have any questions regarding the present application or believe that further discussion will advance prosecution, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

August 27, 2001

Date


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